UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,145	05/04/2001	Kenneth Mark Hunsinger	RSW920010001US1	9700

			EXAMINER
7590	05/28/2004		CAO, DIEM K

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ART UNIT	PAPER NUMBER
2126	3

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/849,145	HUNSINGER ET AL.
	Examiner	Art Unit
	Diem K Cao	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
    THE MAILING DATE OF THIS COMMUNICATION.
    - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
      after SIX (6) MONTHS from the mailing date of this communication.
    - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
    - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
    - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
      Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
      earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 May 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>5/4/2001</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-25 are presented for examination.

2.   The cross reference related to the application cited in the specification must be updated

(i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on

page 1, lines 5-6; The entire specification should be so revised).

Claim Objections

3.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires the

original numbering of the claims to be preserved throughout the prosecution. When claims are

canceled, the remaining claims must not be renumbered. When new claims are presented, they

must be numbered consecutively beginning with the number next following the highest

numbered claims previously presented (whether entered or not).

Misnumbered claims 11-23 (second claim 11) been renumbered 13-25.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (U.S.

6,697,814 B1) in view of Sweeney et al. (U.S. 2002/0083168).

6.   **As to claim 1**, Porter teaches receiving one or more events (event collection crated ... the

event data; col. 8, lines 1-15), evaluating each received event to determine if an additional

capability is available (Code-let builder examines one or more received event; col. 8, lines 1-49),

and programmatically appending the additional capability to the event if so (adds executable

code segments and additional data; col. 8, lines 1-49), thereby automatically and dynamically

adapting the received events to the capabilities of the system without requiring changes to

applications generating the events (Each service processing record ... event data; col. 5, lines 1-

65).

7.   However, Porter does not teach the management system, Porter teaches a billing

processing system (a billing processing system; col. 4, lines 63-67), and the actions could be

billing action or finding and eliminating problems in the network (col. 7, lines 35-48). Sweeney

teaches the event management system (EMS; abstract).

8.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Porter and Sweeney because it provides a method to

monitoring events generated on a distributed computer network.

9.   **As to claim 2**, Porter teaches programmatically invoking processing of the appended

additional capabilities (a record processor equipped to receive and process interpretables; col. 11,

lines 56-67 and col. 19, lines 23-40).

10.   **As to claim 3**, Porter teaches selected ones of the appended additional capabilities

comprise a name of an executable task (methods or callable functions; col. 5, lines 5-17).

11.   **As to claim 4**, Porter teaches selected ones of the appended additional capabilities

comprise a name of an executable task (methods or callable functions; col. 5, lines 5-17) and

wherein the programmatically invoking step comprises executing the task (Execution of the

interpretable then proceeds; col. 19, lines 23-40).

12.   **As to claim 5**, Porter teaches selected ones of the appended additional capabilities

comprise a rule to be added to a rule base server (code-let building policy ... method to be

uploaded; col. 18, lines 31-52).

13.   **As to claim 6**, Porter teaches selected ones of the appended additional capabilities

comprise a rule to be evaluated by a rule base server and wherein the programmatically invoking

step comprises evaluating the rule by the rule base server (code-let building policy ... method to

be uploaded; col. 18, lines 31-52 and col. 19, lines 1-22).

14.   **As to claim 7**, Porter teaches selected ones of the appended additional capabilities

comprise a property name and value (A method section ...upload indicator ... retained in the

library; col. 10, lines 43-53).

15.   **As to claim 8**, Porter teaches selected ones of the appended additional capabilities

comprise a property name and value (A method section ...upload indicator ... retained in the

library; col. 10, lines 43-53) and wherein the programmatically invoking step comprises

determining if a rule associated with that property name and value exists in a rule base and

evaluating the rule if so (Execution of the interpretable then proceeds; col. 19, lines 1-40).

16.   **As to claim 9**, Porter does not teach a flag indicates whether the appended additional

capability for a selected has been processed. It would have been obvious to one of ordinary skill

in the art at the time the invention was made, the advantage of using flag in programming is well

known, especially in the system of Porter, there are more than one functions/methods are added

to the event collection, would be motivated to using flag in the implementation of the processing

the events.

17.   **As to claim 10**, Porter does not teach a precondition for the programmatically invoking

step comprises determining whether an appended additional capability is present on a selected

event, and determining that the appended additional capability has not already been performed. It

would have been obvious to one of ordinary skill in the art at the time the invention was made,

the advantage of using flag in programming is well known, especially in the system of Porter,

there are more than one functions/methods are added to the event collection, would be motivated

to using flag in the implementation of the processing the events.

18.   **As to claim 11**, Porter does not explicitly teach the programmatically appended further comprises adding a slot to a representation of the event. Porter teaches data and instructions are added, and the code-let can be implemented as object (col. 8, lines 1-15 and lines 50-60).

19.   **As to claim 12**, Porter teaches the programmatically appending further comprises adding a property to an object representing the event (code-let 417 are created ... serialized objects; col. 8, lines 50-60 and a method section ... interpretable file; col. 10, lines 43-53).

20.   **As to claim 13**, Porter teaches the programmatically appending further comprises adding a field to a representative of the event (adding data and instruction; col. 8, lines 1-15 and code-let 417 are created ... serialized objects; col. 8, lines 50-60).

21.   **As to claims 14 and 20**, they correspond to the method claim of claim 1 except they are a system and a computer product claim, respectively.

22.   **As to claims 15 and 21**, see rejection of claim 2 above.

23.   **As to claims 16 and 22**, see rejection of claim 4 above.

24.   **As to claims 17 and 23**, see rejection of claim 6 above.

25.   **As to claims 18 and 24**, see rejection of claim 8 above.

26.   **As to claims 19 and 25**, see rejection of claim 10 above.

Conclusion

27.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    - Pohlmann et al. (U.S. 6,446,136) teaches a system and method for dynamic correlation

    of events.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The

examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for Patents

PO Box 1450
Alexandria, VA 22313-1450

Diem Cao

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